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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,418	04/15/2004	Yoshiharu Shimada	122.1589	6469
21171 7590 01/31/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER VANDERHORST, MARIA VICTORIA	
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			4194	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/824,418

**Applicant(s)**

SHIMADA, YOSHIHARU

**Examiner**

VICTORIA VANDERHORST

**Art Unit**

4194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-23 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-893)  
Paper No(s)/Mail Date 15 April 2004  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The acronym POS should be defined in the specifications.

### **Status of Claims**

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2-8, 10-13, 15-18, 20-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 2-8, 10-13, 15-18, 20-23, they recite "A visiting customer management system ...". The phrasing should be – the visiting ...-. Appropriate correction is required.

As to claim 6, 11, 16, and 21 they recite the term POS. The meaning of every term used in a claim should be defined in the claim or in the parent claim.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 6,985,879 Walker.

As to claim 1, Walker discloses a visiting customer management system including a storage medium carried by a customer, (Walker teaches a customer device that may be any computer device operable i.e. a personal computer (PC), personal digital assistant (PDA), a cellular phone and the customer devices may communicate over radio frequency (RF), infrared (IR), cable, etc Col 5, lines 49-67, Col 6, lines 1-55, Col. 8, lines 4-15. Further Walker discloses that the customer device of his invention has a storage medium. Col 8, lines 16-19) in which at least customer identification information is stored(Col. 3, lines 29-40), and a non-contact detector that detects in a non-contact manner the information stored in said storage medium and that is arranged in a shop (Col. 3, lines 34-53 and Fig. 1A and Fig. 1B . Further, Walker discloses seller devices that communicate with one or more customer devices , Col. 5, lines 4-18, which may comprise a point of sale or point of purchase terminals, Col. 5, lines 19-38. The customer and seller devices may communicate over RF, IR etc.), comprising:

a customer information storage device in which at least the customer identification information and a group to which said customer belongs are stored in advance; (**Walker discloses a seller device that in one of its embodiments registers one or more customers for a group reward, Col 5, lines 4-18. Further, Col. 3, line 29-40**) and

a visiting-customer information storage device in which customer identification information detected by said non-contact detector (**Walker discloses a customer device that contains identification corresponding to the customer and to the group, and a seller device, Col. 5, lines 16-17, which may communicates (detects) with one or more customers devices. All of them may communicate over RF, Col 6, lines 40-45**) is stored in association with a detection time at which the customer identification information is obtained. (**Walkers indirectly refers to a detection time when he mentions the conditions that the group must satisfy to earn a reward such as number of purchases to be made within a predetermined time or before a predetermined date or during a specific time or times during which purchases must be made by one or more customers, Col. 3, lines 62-67, Col. 4. lines 1-5).**

As to claim 2, Walker teaches a system wherein said storage medium is a radio-frequency identification (RFID) tag (**Walker discloses in Figs. 1A and 1B a system comprising a seller device, a customer device and a network or a plurality of them. In Col. 6 lines 40-45, Walker discloses that the customer and seller devices can communicate over radio frequency (RF). The customer device, of his**

**invention may comprise a radio frequency transceiver ,Col. 8, lines 16-29. Also the seller device of his invention may comprise a radio frequency transceiver ,Col.9 lines 35-50).**

As to claim 3, Walker discloses a system wherein: customer identification information on other customer who belongs to the same group as said customer is stored in said visiting-customer information storage device (**Col. 5, lines 4-18, and Col. 3 lines 29-40**); and if the difference between a detection time at which the customer identification information on said customer is detected and a detection time at which the customer identification information on other customer is detected falls within a predetermined period of time, said customer is recognized to have come with another member of the group (**Walker indirectly refers to a detection time when he mentions the conditions that the group must satisfy to earn a reward such as number of purchases to be made within a predetermined time or before a predetermined date or during a specific time or times during which purchases must be made by one or more customers, Col. 3, lines 62-67, Col. 4. lines 1-5).**

As to claim 4, Walker teaches a system wherein if the customer is recognized to have come with another member of the group, a reward is given to said customer (**Walker discloses that the reward can be given when a group's purchasing performance meets one or more predetermined conditions or the reward may be**

**giving to the group up-front before any predetermined conditions have been satisfied, Col. 4, lines 6-26** ).

As to claim 5, see discussion of claim 1 and 3, Walker further discloses a seller device that comprise a point of sale terminal that may communicate with the customer device over radio frequency **Col. 5 lines 4-38, Col. 6, lines 40-44**. Regarding to the detection of time in which the customer identification information is detected and the detection time of other customer information within a predetermined period of time to recognize that they belong to the same group, Walker indirectly refers to the detection of time when he mentions in **Col. 4, lines 23-25**, that the reward may be giving to the group, at the time of the registration. Further he mentions that one of the conditions that the group must satisfy is a number of purchases to be made by one or more customers within a predetermined time or before a predetermined date, **Col. 3, lines 62-67**.

As to claim 6, Walker teaches a terminal that is a POS terminal (**Fig 1A, the seller device, may comprise a point-of-sale terminal, Col. 5, lines 19-38**).

As to claim 7 and 8, see discussion of claim 1, 3, 5 and 6, Walker further discloses a host computer ( **the controller, Col 7, lines 5-43** ) that judges whether a customer has come with other member of a group to which he/she belongs (**Walker's system comprises a controller and one or more seller devices, Col. 6, lines 58-**

**61, to perform the method of registering one or more customers for a group rewards, Col. 5, 4-18).**

As to claim 9, Walker discloses a visiting customer management system including a storage medium carried by a customer (**Walker teaches a customer device that may be any computer device operable i.e. a personal computer (PC), personal digital assistant (PDA), a cellular phone and the customer devices may communicate over radio frequency (RF), infrared (IR), cable, etc Col 5, lines 49-67, Col 6, lines 1-55, Col. 8, lines 4-15. Further Walker discloses that the customer device of his invention has a storage medium. Col 8, lines 16-19)**), in which at least customer identification information is stored (**Col. 3, lines 29-40)**), and a non-contact detector that detects in a non-contact manner the information stored in said storage medium and that is arranged in a shop (**Col. 3, lines 34-53 and Fig. 1A and Fig. 1B . Further, Walker discloses seller devices that communicate with one or more customer devices , Col. 5, lines 4-18, which may comprise a point of sale or point of purchase terminals, Col. 5, lines 19-38. The customer and seller devices may communicate over RF, IR etc.)**), comprising:

a customer information storage device in which the customer identification information and a group to which said customer belongs are stored in advance (**Walker discloses a seller device that in one of its embodiments registers one or more customers for a group reward, Col 5, lines 4-18. Further, Col. 3, line 29-40)**); and



a terminal including a detector that detects customer identification information, wherein:

said detector included in said terminal detects the customer identification information on said customer; said non-contact detector obtains customer identification information on other customers that are present in said shop (**Walker discloses a customer device that contains identification corresponding to the customer and to the group, and a seller device, Col. 5, lines 16-17, which may communicates (detects) with one or more customers devices. All of them may communicate over RF, Col 6, lines 40-45**);

when customer identification information on other member of the group to which said customer belongs corresponds to one of the pieces of customer identification information on other customers that are present in said shop, said customer is recognized to have come with another member of the group (**Walker teaches a system that upon registration of a group, each customer of the group gets an identification card and/or identification corresponding to the group to which the customer belongs, so the customer can be recognized at the point-of-sale , Col. 3, lines 29-40**).

As to claim 10, see the discussion of claims 9 and 2.

As to claim 11, see the discussion of claims 9 and 6

As to claim 12, Walker discloses a non-contact detector is arranged so that it can simultaneously detect the pieces of customer identification information on all the customers that are present in said shop. (Walker's system comprises one or more seller devices that can communicate with one or more customer devices over a network. Fig. 1A, Col. 4, lines 51-57. Further Col. 3, lines 29-40).

.As to claim 13, Walker discloses a system wherein when a customer is recognized to have come with other member of the group, a reward is given to the customer (Walker discloses that the reward can be given when a group's purchasing performance meets one or more predetermined conditions or the reward may be giving to the group up-front before any predetermined conditions have been satisfied, Col. 4, lines 6-26).

As to claim 14, Walker discloses a system including a storage medium carried by a customer (Walker teaches a customer device that may be any computer device operable i.e. a personal computer (PC), personal digital assistant (PDA), a cellular phone and the customer devices may communicate over radio frequency (RF), infrared (IR), cable, etc Col 5, lines 49-67, Col 6, lines 1-55, Col. 8. lines 4-15. Further Walker discloses that the customer device of his invention has a storage medium. Col 8. lines 16-19), in which at least customer identification information is stored, ( Col. 3, lines 29-40) and a non-contact detector that detects in a non-contact manner the information stored in said storage device and that is arranged in a shop (Walker discloses a customer device that contains identification corresponding to

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the customer and to the group, and a seller device, Col. 5, lines 16-17, which may communicates (detects) with one or more customers devices. All of them may communicate over RF, Col 6, lines 40-45), comprising:

a customer information storage device in which the customer identification information and a group to which said customer belongs are stored in advance (Walker discloses a seller device that in one of its embodiments registers one or more customers for a group reward, Col 5, lines 4-18. Further, Col. 3, line 29-40);

a terminal including a detector that detects customer identification information (Walker's previously mentioned seller device, comprises a point-of-sale terminal, Col. 5, lines 19-23); and

a host computer (controller, Col 7, lines 5-43), wherein:

when said detector included in said terminal detects the customer identification information on said customer, said terminal notifies said host computer of the detected customer identification information (Walker's system comprises a controller such as a store server that is in communication with one or more point-of-sale terminals, Col. 7, lines 5-43);

said host computer obtains customer identification information on other customer, who belongs to the same group as said customer, from said customer information storage device, and notifies said terminal of the customer identification information on other customer (Walker discloses a customer device that contains identification corresponding to the customer and to the group, and a seller

device, Col. 5, lines 16-17, which may communicates (detects) with one or more customers devices. All of them may communicate over RF, Col 6, lines 40-45); and

if one of pieces of customer identification information on other customers that are present in said shop corresponds to the customer identification information on other member who belongs to the same group as said customer, said terminal judges that said customer has come with other member of the group (Walker's system judges that the customer has come with other members of the group when it establishes one or more conditions that the group must satisfy in order to earn a reward such as number of purchases to be made within a predetermined time or before a predetermined date or during a specific time or times during which purchases must be made by one or more customers, Col. 3, lines 62-67, Col. 4, lines 1-5).

As to claim 15, see the discussion of claims 14 and 2.

As to claim 16, see the discussion of claims 14 and 6.

As to claim 17, see the discussion of claim 14 and 12.

As to claim 18, see the discussion of claim 14 and 13.

As to claim 19, Walker discloses a system including a storage medium carried by a customer (Walker teaches a customer device that may be any computer device operable i.e. a personal computer (PC), personal digital assistant (PDA), a cellular phone and the customer devices may communicate over radio frequency (RF), infrared (IR), cable, etc Col 5, lines 49-67, Col 6, lines 1-55, Col. 8, lines 4-15.

**Further Walker discloses that the customer device of his invention has a storage medium. Col 8. lines 16-19**), in which at least customer identification information is stored (**Col. 3, lines 29-40**), and a non-contact detector that detects, in a non-contact manner, the information stored in said storage device and that is arranged in a shop (**Col. 3, lines 34-53 and Fig. 1A and Fig. 1B . Further, Walker discloses seller devices that communicate with one or more customer devices , Col. 5, lines 4-18, which may comprise a point of sale or point of purchase terminals, Col. 5, lines 19-38. The customer and seller devices may communicate over RF, IR etc.**), comprising:

a customer information storage device in which the customer identification information and a group to which said customer belongs are stored in advance(**Walker discloses a seller device that in one of its embodiments registers one or more customers for a group reward, Col 5, lines 4-18. Further, Col. 3, line 29-40**);

a terminal including a detector that detects customer identification information (**Walker's previously mentioned seller device, comprises a point-of-sale terminal, Col. 5, lines 19-23**); and

a host computer (**controller, Col 7, lines 5-43**), wherein:

said detector included in said terminal detects the customer identification information on said customer;

said non-contact detector detects pieces of customer identification information on other customers that are present in said shop(**Walker's system comprises one or**

**more seller devices that can communicate with one or more customer devices over a network. Fig. 1A, Col. 4, lines 51-57. Further Col. 3, lines 29-40);**

said host computer is notified of the detected customer identification information and the detected pieces of customer identification information on other customers that are present in said shop (**Walker's system comprises a controller such as a store server that is in communication with one or more point-of-sale terminals, Col. 7, lines 5-43**); and

if customer identification information on other member of the group to which said customer belongs corresponds to one of the pieces of customer identification information on other customers that are present in said shop, said host computer judges that said customer has come with another member of the group and notifies said terminal of the result of the judgment (**Walker's system judges that the customer has come with other members of the group when it establishes one or more conditions that the group must satisfy in order to earn a reward such as number of purchases to be made within a predetermined time or before a predetermined date or during a specific time or times during which purchases must be made by one or more customers, Col. 3, lines 62-67, Col. 4, lines 1-5**).

As to claim 20, see the discussion of claims 19 and 2.

As to claim 21, see the discussion of claims 19 and 6.

As to claim 22, see the discussion of claim 19 and 12.

As to claim 23, see the discussion of claim 19 and 13.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTORIA VANDERHORST whose telephone number is (571)270-3604. The examiner can normally be reached on Monday through Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maria Victoria Vanderhorst/  
Examiner, Art Unit 4194  
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